

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

O.P. SCHUMAN & SONS, INC.	:	CIVIL ACTION
	:	
v.	:	No. 16-3563
	:	
DJM ADVISORY GROUP, LLC, et al.	:	

ORDER

AND NOW, this 16th day of February, 2017, upon consideration of Defendants DJM Advisory Group, LLC, Banner Life Insurance Company, and William Penn Life Insurance Company of New York's Motions to Dismiss, Stay, or Strike, and Plaintiff O.P. Schuman & Sons, Inc.'s response, and following an oral argument held on January 31, 2017, it is ORDERED the Motions (Documents 18 & 19) are GRANTED in part and DENIED in part as follows:

- The motions to dismiss this case for lack of standing are DENIED;
- The motions to dismiss are GRANTED insofar as the Court agrees relief is warranted under the first-filed rule. In lieu of staying or dismissing this case, however, the case will be transferred to the Middle District of Florida, where an earlier related action is pending; and
- The motions to strike Plaintiff's proposed class definition are DENIED.

The Clerk of Court is DIRECTED to TRANSFER this action to the United States District Court for the Middle District of Florida.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.